



**Suter-Wallauch-Corbett
& Associates**
Government Relations

April 24, 2008
Agenda Item 5.0
Handout

April 17, 2008

TO: Dennis Fay, Executive Director
Alameda County Congestion Management Agency

FR: Suter, Wallauch, Corbett & Associates

RE: Legislative Update

There's a lot of flailing going on around here about the budget, but it's difficult to tell even if baby steps are being taken to any meaningful resolution. We're still in the Vacant Stare stage when discussing solutions with some legislators. For one thing, April revenues are off, according to Department of Finance. Another \$1.2 billion for the year. AND the Gov's office is whispering that deficits might rise "at least \$5 billion, and as high as \$9 billion" over January estimates by the time the May Revise rolls around.

They've got to be kidding. There's no way to add \$5 billion, much less \$9 billion to the already ghastly \$14 billion gap for the current and budget years. The unreal numbers are being met with unreal assumptions that California can either cut or fiscally "adjust" its way out of the quagmire.

All of this news is bad enough, but adding in the costs of federal court orders to fix California prisons, the borrowing costs to deal with bonds needed to do so, and the lack of any real action on prison reform could drive the real total deficit as high as \$25 billion.

Coming to a Ballot Box near you: The Gov now has some official verbiage attached to the Constitutional Amendment he proposed in January to provide "flexibility" in dealing with deficits. The proposal is under serious discussion this week. Among other things, the reform proposes to:

- Limit General Fund revenues to long term revenue trends, using 10-year growth averages, with DOF making annual revenue limit estimates. Uh . . . we should carefully consider the wild fluctuations in DOF's revenue estimating capacity before embracing this proposal.
- Amend Proposition 58 to add a Revenue Stabilization Fund with limits and caps.
- Provide for automatic budget and program adjustment mechanisms in General Fund expenditures, including suspension of Prop 98 and automatic reductions to local program funding.

We have attended several meetings with budget and administration sources on this proposal, and one is scheduled for this afternoon with advocates for various health and social service programs. We will keep you advised. For further information, text of the proposed CA, or a summary of its provisions, please contact our office.

The suspense is killing us: Senate Pro Tem Perata announced last week that the Appropriations Committee Suspense File threshold is lowered from \$150,000 to \$50,000. That means that further progress of any bill costing more than \$50,000 is delayed until after a budget deal has been struck.

Borrowing ourselves out of fiscal prison: The Senate Budget Committee heard a proposal on Monday from CDR's federal Receiver Clark Kelso. He wants California to issue \$7 billion in new lease-revenue bonds to provide medical and mental health care for prison inmates. The Admin is behind the proposal, but even if the legislature rejects it, the Receiver can order the construction of new prison health facilities and bill the state's General Fund. Maybe we need a Receiver for health care for California kids? Other proposals would simply give severely ill and mentally ill prisoners to the counties to care for in their tattered systems.

The legislature has largely ignored last year's Little Hoover Commission recommendations for implementing prison reforms, although it has approved \$7.9 billion in new prison construction bonds. The \$7 billion proposed by Receiver Kelso is on top of those already approved. Wow. \$14.9 billion for prisons. That's as much as the prior estimate of the state's budget gap. Is that fiscal collapse we see peeking out around the next corner?

Downloading Revenues rejected. You can hold onto your iTunes free of taxation for awhile. The Assembly Rev & Tax Committee voted down charging sales tax to Californians purchasing electronic downloads. According to BOE, the tunes would bring in \$114 million per year if taxed. The author claims that adding tax to other downloads such as pornography could bring in \$500 mil per year. Of course, BOE would have to reclassify downloads as "tangible personal property," a lawsuit waiting to happen. We expect to see this and other imaginative tax proposals back on the table as the budget debate lurches toward June.

Taxing ideas: Still under discussion behind Capitol doors are various proposals to close loopholes, tax services, tax cold food, and an overabundance of variations on the theme. At the same time, Republicans have formed a new committee to develop future candidates, but not without securing their signatures on "no tax" pledges. Many capitol folks think it's time for a complete state tax overhaul, noting that California's system of taxation (property, sales, income taxes, etc) bear little or no relationship to the programs and services that they pay for. It's still early in the season for everybody, folks.

Budget Subcommittees continue: Both Houses schedule multiple budget subcommittee hearings daily. Particularly in the Assembly, there are few actions taken, but the hearings serve the purpose of outlining the necessity for NOT cutting key programs. Senate

committees have refused to make any commitment to funding County admin costs for major programs - -a bone of heavy contention in this critical year.

The Assembly rejected the Gov's proposal requiring MediCal recipients to submit quarterly status reports in order to retain their coverage. In other Health and Human Service discussions, actions were not taken on proposals that some Medi-Cal patients would have to pay their own Medicare Part B premiums, delayed implementation of streamlined eligibility and enrollment of kids in Healthy Families, and a proposal for a five percent reduction in Healthy Families plan rates.

Note on Transit Operating funds: The Assembly Budget Subcommittee #5 unanimously approved the Governor's transit budget, which provides \$743 million for State Transit Assistance (STA). This amount is far from secure. The Senate has yet to act on this item and the May Revise will force Budget Committees to consider re-opening all items. With historic high gas prices, the formula behind the STA calculation should result in the May Revise increasing the amount of STA revenue. However, given the bleak fiscal outlook keeping STA at \$743 will be difficult.

Legislation

Meanwhile, back in policy committees: Tomorrow is the deadline for fiscal bills to move out of policy committees in their Houses of origin. Hundreds of bills have been heard in endless committee hearings this week, and a majority of the bills were significantly amended. These bills now move to Appropriations Committees where many will languish until after the May Revise announcement or until a budget settlement is reached. The \$50,000 threshold isn't very high.

Bill	Topic	Status	Client-Position
AB 1221 (Ma) A-04/14/2008	Transit village developments: infrastructure financing.	04/14/2008-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on L.GOV. (04/14/2008-S L. GOV.)	CMA-Support In Concept (prior version) ACTA-Watch
	<p>NOTE: AB 1221 was recently amended to allow for the creation of transit village infrastructure financing districts.</p> <p>For the purpose of financing transit improvements this bill would allow a local agency to establish an infrastructure financing district (IFD) without a public vote. The IFD would dedicate the incremental growth in property tax values to transit improvements,</p>		

	<p>but AB 1221 would also require the local agency to dedicate 20% of the increment to low income housing projects within the district. The does not alter the existing exemption for school districts and the ERAF amount, and the local agency must negotiate with and get the approval of the other taxing jurisdictions before their share, if any, is dedicated to the IFD.</p>		
AB 1815 (Feuer) I-01/17/2008	California Transportation Infrastructure Funding Task Force.	04/14/2008-In committee: Set, second hearing. Hearing canceled at the request of author. (02/07/2008-A TRANS.)	CMA-Watch ACTIA-Watch
	<p>NOTE: This bill would create the California Transportation Infrastructure Funding Task Force. The Task force would report to the Legislature on recommendations on alternatives to the current system of taxing road users through per-gallon fuel taxes.</p> <p>It is our understanding that Assemblyman Feuer will “drop” this measure. This is partially due to the position of the Assembly Transportation Committee staff that enough studies have been conducted on the need to alter the existing tax system, and the likelihood that the cost of the study would result in this measure being held on the Appropriation Suspense File.</p>		
AB 1840 (Calderon, Charles) I-01/24/2008	Sales and use taxes: retailers.	04/15/2008-From committee: Do pass, and re-refer to Com. on APPR. Re- referred. (Ayes 6. Noes 3.) (April 14). (04/15/2008-A APPR.)	CMA-Watch ACTA-Watch
	<p>NOTE: This bill defines a "retailer engaged in business in this state" as any retailer that has substantial nexus with this state for purposes of the Commerce Clause of the United States (U.S.) Constitution and any retailer upon whom federal law permits this state to impose a use tax collection duty.</p> <p>This change in definition is intend to clarify if a business with a physical presence in this state that also operates a retail website then that business must collect sales and use tax on the internet</p>		

	sales. It is estimated that this changes would result in the collection of an additional \$11-\$55 million in state and local tax revenue.		
AB 1845 (Duvall) A-04/16/2008	Highway-railroad grade separations.	04/16/2008-Read second time and amended. (04/16/2008-A APPR.)	CMA-Watch ACTA-Watch
	<p>NOTE: AB 1845 would eliminate funding for the existing grade separation program. This bill essentially implements the recommendations from the State Auditors report. Specifically, AB 1845 would do the following:</p> <ul style="list-style-type: none"> • Discontinues Caltrans' automatic \$15 million annual transfer of State Highway Account funds (SHA) to the Program. • Authorizes grade separation projects to be funded from the State Transportation Improvement Program (STIP). • Eliminates Caltrans' reporting to the State Controller's Office of allocations of Program funds to cities and counties. 		
AB 1904 (Torrico) A-04/14/2008	Transportation: programming of projects.	04/15/2008-Re-referred to Com. on APPR. (04/15/2008-A APPR.)	CMA-Sponsor ACTIA-Support
	<p>NOTE: AB 1904 was the first bill approved by the Assembly Transportation Committee under the chairmanship of Assemblyman DeSaulnier.</p> <p>This bill makes two changes. First, it directs the CTC to establish a process where a county may exchange a portion of its county share funds for federal transportation funds in order to finance transportation projects using GARVEE bonds.</p> <p>Second, for purposes of calculating state highway miles in a county for the county shares formula, would provide that the total number of nonfreeway miles in a county shall be calculated so that it is not less than the total number of nonfreeway miles that existed</p>		

	in the county on January 1, 2008. <i>Although the Committee Consultant expressed concerns about this provision, Assemblyman Torrico was successful in convincing the chair and others to keep this provision in the bill.</i>		
AB 1954 (Jeffries) A-04/07/2008	High-occupancy toll (HOT) lanes.	04/15/2008-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 12. Noes 0.) (April 14). (04/15/2008-A APPR.)	CMA-Watch ACTIA-Watch
	NOTE: AB 1954 was approved by the Assembly Committee on Transportation. This bill specifies that the Riverside County Transportation Commission may operate a High Occupancy Toll lane on State Route 15 in Riverside County. This bill would expand the number of counties with HOT lane authority to 4, which currently includes Alameda, San Diego, and Santa Clara Counties.		
AB 2388 (Feuer) A-04/03/2008	Vehicles: registration fees.	04/14/2008-In committee: Set, first hearing. Hearing canceled at the request of author. (04/14/2008-A TRANS.)	CMA-Watch ACTIA-Watch
	NOTE: AB 2388 remains in the Assembly Transportation Committee. As gutted and amended earlier this month, AB 2388 would add a new weight fee and carbon emission fee on all vehicles registered in California that weigh less than 10,000 pounds. The fees would range from \$5-\$25 based on weight and \$10-\$25 based on the amount carbon dioxide emissions. The bill currently does not specify how the revenue would be spent.		
AB 2558 (Feuer) I-02/22/2008	Los Angeles County Metropolitan Transportation Authority: climate	04/14/2008-Do pass as amended and be re-referred to the Committee on Local	CMA-Watch ACTIA-Watch

	change mitigation and adaptation fee.	Government. (04/14/2008-A L. GOV.)	
	<p>NOTE: AB 2558 would authorize the Los Angeles County Metropolitan Transportation Authority (MTA) to impose a fee on either motor vehicle fuels or vehicle registrations to fund countywide climate change mitigation.</p> <p>This bill was approved by the Assembly Transportation Committee; however, a similar bill, AB 2744, for the Bay Area failed passage.</p>		
AB 2617 (Duvall) A-04/03/2008	Highways: high-occupancy vehicle lanes.	04/14/2008-Do pass as amended and be re-referred to the Committee on Appropriations. (04/14/2008-A APPR.)	CMA-Watch ACTIA-Watch
	<p>NOTE: AB 2617 was approved by the Assembly Transportation Committee. This bill requires Caltrans, or local authorities for roads within their jurisdiction, to post signs along high occupancy vehicle (HOV) lanes that indicate motorcycles are permitted in the lanes.</p>		
AB 2650 (Carter) I-02/22/2008	Department of Transportation: environmental review process: reports.	04/15/2008-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 13. Noes 0.) (April 14). (04/15/2008-A APPR.)	CMA-Watch ACTIA-Watch
	<p>NOTE: AB 2650 is sponsored by Caltrans, and it was unanimously approved by the Assembly Transportation Committee.</p> <p>This bill extends the state's existing limited waiver of its 11th Amendment sovereign immunity from citizens' lawsuits, thereby enabling Caltrans to continue its assumption of National Environmental Policy Act (NEPA) responsibilities under an ongoing pilot program.</p>		
AB 2744 (Huffman) A-04/08/2008	Metropolitan Transportation	04/14/2008-In committee: Set first	CMA-Support If Amended

	Commission: fee: motor vehicle fuel.	hearing. Failed passage. Reconsideration granted. (04/15/2008-A TRANS.)	ACTIA-Watch
	<p>NOTE: AB 2744 was substantially amended. As amended, AB 2744 fell one vote short of passage in the Assembly Transportation Committee. Reconsideration was granted, and another vote will be held next week.</p> <p>The prior version essentially revised existing statute to change MTC's authority to impose a 10 cent per gallon gas tax to be a gas fee. As amended, AB 2744 creates a new regional gas fee proposal that would be administered by MTC and the Bay Area Air Quality Management District.</p> <p>The current version of the bill does not specify the types of projects that can be funded and it does not require a return to source requirement. In light of the changes, the ACCMA's position of Support If Amended remains relevant.</p>		
AB 2971 (DeSaulnier) A-03/24/2008	Fees: construction of bridges and major thoroughfares: fatality rates.	04/15/2008-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 8. Noes 4.) (April 14). (04/15/2008-A APPR.)	CMA-Watch ACTIA-Watch
	<p>NOTE: AB 2971 has been approved by both the Assembly Committees on Local Government and Transportation.</p> <p>This bill would create the Fair Share for Safety Program. This program would require Caltrans to annually analyze fatality rates for all modes of travel. Based on these rate Caltrans would then apportion federal transportation safety funds in a manner proportionate to the fatality rate for each mode. According to the bill 10% of the nation's auto related fatalities occur in California, which is proportionate to the state's population; however, bicycle and pedestrian fatalities in California is 50% higher than the national average.</p> <p>In addition to the items that a local agency can charge a fee for when issuing a building permit or approving a final map, this bill</p>		

	<p>and place some conditions on the allocation of the bond proceeds to the various segments.</p> <p>AB 3034 was amended on April 9 to prohibit building a station in Los Banos. In addition, the amendments make the Altamont rail corridor eligible for the \$9 billion in state high-speed train bond money as well as federal and other revenues made available to the Authority.</p>		
SB 445 (Torlakson) A-03/06/2008	Greenhouse gas mitigation fee.	03/06/2008-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on TRANS. (03/06/2008-A TRANS.)	CMA-Support and Seek Amendments (prior version) ACTIA-Support (prior version)
	<p>NOTE: SB 445 was gutted and amended to allow regions and counties to place on the ballot a "greenhouse gas mitigation fee." This fee would be imposed on each vehicle based on the vehicle weight and or the miles per gallon rating of the vehicle. The bill may be amended to also allow for per gallon fuel fee.</p> <p>The bill limits the authority to place the fee on the ballot to regional transportation planning agencies, a county transportation commission, and for a county not covered by an RTPA, a council of governments, or a local transportation commission. Amendments are being drafted to allow Bay Area counties to propose a countywide fee.</p> <p>SB 445 specifies that the revenue shall be used to fund the following programs:</p> <ul style="list-style-type: none"> • Public transit projects and programs • Congestion management projects and programs • Road maintenance and construction • Grants for to educational facilities to research methods to reduce greenhouse gas emissions • Conservation incentives for vehicle owners • Transit oriented development 		

SB 1093 (Wiggins) A-04/07/2008	San Francisco Bay Area Water Emergency Transportation Authority.	04/15/2008-From T. & H.: Do pass as amended.To APPR.. (04/16/2008-S APPR.)	CMA-Watch ACTIA-Watch
	NOTE: SB 1093 was approved by the Senate Committee on Transportation. This bill is sponsored by the City of Vallejo and is intended to address concerns expressed by Vallejo regarding the transfer of assets to WETA. This bill makes numerous changes to the planning, management, and operations of the water transportation services.		
SB 1374 (Battin) A-04/14/2008	Vehicles: HOV Lanes.	04/14/2008-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on T. & H. (04/14/2008-S T. & H.)	CMA-Watch ACTIA-Watch
	NOTE: SB 1374 garnered only 2 Aye votes in the Senate Transportation Committee hearing. This bill is dead for the year. This bill proposed to remove the cap on the number of distinctive decals that allow hybrid vehicles to enter HOV lanes regardless of occupancy. SB 1374 would also establish a program where decals allowing single occupant access to HOV lanes to any vehicle provided that the owner of the vehicle has purchased credits that offset the carbon emissions from the vehicle.		
SB 1731 (Yee) A-04/01/2008	Vehicles: fees: Metropolitan Transportation Commission: congestion mitigation.	04/10/2008-Set for hearing April 21. (04/09/2008-S APPR.)	CMA-Support ACTIA-Support
	NOTE: SB 1731 was approved by the Senate Transportation Committee on a party line vote. This would authorize MTC to impose a new \$1 vehicle registration fee for the purpose of implementing congestion mitigation strategies. The bill does not require voter approval of this fee.		

hcc; ACCMA Directors & Staff.

FVI,

Robert S. Allen

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APR 17 2008

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BY:..... 15 April 2008

Tri-Valley Legislative Candidates

Transportation decision-makers have failed us – wasted resources on faulty projects and scorned practical solutions to real problems.

Typical of faulty projects they've pushed:

- An *interim* eastbound HOV/HOT lane on I-580: a limo lane to speed Central Valley car-poolers (and the wealthy) home. Much better to *defer* it and do it as part of a comprehensive I-580 rebuild including a median to Greenville Road wide enough for BART to Livermore. (BART trackway at grade in a freeway median - in current dollars - runs about \$12.7 million/mile.)
- An intermodal (BART/Capitol Corridor) transfer station at Union City – where it serves only BART's Fremont line and the now-circuitous CapCor line. Much better at BART's Coliseum/Oakland Airport station, where it would also serve *our* BART line and a much shorter CapCor route nearer the Bay (Mulford line).
- High Speed Rail that won't serve the East Bay (see my April 14 letter attached.)
- The Bay Bridge with its cosmetic (and costly) eastern suspension span.
- BART rail to Stanley/Isabel ACE – a line that would help few Livermoreans and do almost nothing to alleviate traffic on I-580. Land, earth, and structure cost and poor access for Livermore patrons would make it almost useless.

wealthy
Among projects they scorn:

- A low-cost direct I-580 shuttle bus linking BART's Airway Park/Ride in Livermore with every commute-hour BART train. (Wheels' costly "Rapid" would not serve this market.) The hourly 12-V is too erratic.
- Up to 10 new bus stops beside the Iron Horse Trail north of the BART station, close to and visible from the station entrance. They would be designed to serve buses serving Livermore and the Central Valley via I-580.
- Doing I-580 right: planning and securing right of way first, before putting in an HOV/HOT lane that would have to be torn out and rebuilt in a few years.
- BART over the Altamont to Mountain House, Tracy, and Lathrop/Manteca. MTC's "Regional Rail" concept is grossly flawed, as I pointed out in my April 14 letter to Judge Quentin Kopp at CA HSR authority.

I would welcome the opportunity to discuss transportation issues like these with you.

RSA

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14 April 2008

The Honorable Quentin Kopp, Chairman
California High Speed Rail Authority

Please consider close ties between HSR and BART in the Bay Area, with HSR following at least three corridors:

1. Anaheim/LA -- Pacheco Pass -- San Jose -- San Francisco;
2. Anaheim/LA -- Fresno -- Sacramento;
3. San Jose -- Oakland -- Sacramento (Capitol Corridor upgrade).

Plan a new HSR-BART intermodal station in Oakland at Magnolia (where former WP crossed former SP) on a new BART alignment between the Trans-Bay tube and downtown Oakland via the old SP, old WP diagonal, and shoulder of I-880.

Extend BART rail from Dublin/Pleasanton in a widened I-580 median through Livermore, then under the elevated westbound I-580 lanes up to an ACE intermodal station on the old SP Tracy line roadbed. Extend BART further along the old SP and the Old Altamont Pass Road to Mountain House, Tracy, and a HSR intermodal station near Lathrop/Manteca. Double track, electrification, and secure right of way with no grade crossings or freight train conflicts would assure safe, efficient, quiet, pollution-free, and dependable operation on grades up to 3% - anathema to freight railroads.

At-grade BART construction costs a small fraction of that in subways or on aerial structures -- or even cut or fill. (Despite heavy structural work at both ends, BART's Dublin-Pleasanton line - mostly at grade in a wide freeway median -- cost about \$36 million/mile. BART to SFO -- built about the same time mostly in subway -- cost about \$180 million/mile -- roughly five times as much.) Where possible, BART and HSR alignment should be *at grade* where BART trackway costs about \$12.7 million/mile.

Re Corridor 1 (LA-SF):

In a wide freeway median, less on an old railroad bed, but add grade separations.

In the future I would suggest adding another segment along I-5 in the Central Valley between Los Banos and the Bakersfield area. It would be much shorter, have few land and environmental problems, and require few grade separations.

Along the Peninsula (between Tamien and San Francisco) the grade-separated route should allow two HSR/Bullet train tracks, two local transit tracks, and probably one freight track. (Freight could run on HSR tracks with temporal separation.)

The two local transit tracks could well be BART from near Julian Street in San Jose to Millbrae. (BART largely at grade between Julian Street and I-880 should cost far less than in subway under Stockton Avenue.) Santa Clara Valley Transit light rail could use them between San Jose Diridon and Tamien, and go via the old WP on to the sports stadia and BART at Alum Rock. Between Millbrae and San Francisco the local transit tracks would be ideal for a Muni line direct to SFO and the Millbrae intermodal.

With this concept and BART's planned Silicon Valley extension to Milpitas, San Jose and Santa Clara, BART would ring the Bay, run on 15-minute headways for peninsula rail patrons, and provide really unified rail rapid transit in the Bay Area.

Re Corridor 2 (Valley Spine):

BART over the Altamont would serve many more employment sites than the new regional rail network MTC has proposed, better and more efficiently. It would feed the Valley spine HSR line effectively. Regional rail proposed by MTC is based on the faulty premise that BART should not be extended. BART handles transit far better than rail lines cluttered with single track, meets, grade crossings and freight trains.

BART is *safe* (no grade crossings, 35 years with only one non-suicide passenger fatality); *convenient* (95% on time, a train every 15 minutes, easy to board, even for wheelchairs and bicycles); *labor efficient* (automatic fare collection; only one operator per train of up to 10 cars – about 700 seated passengers and many more standees); *clean* (electric power, with no smelly, air polluting “greenhouse gas” exhaust); and *successful*. (after operating just 3 ½ decades it now attracts almost 90% of total regional rail ridership).

BART over the Altamont along with HSR would link all three HSR corridors, the three major cities, and their airports with the state capital and southern California.

Re Corridor 3 (Upgraded CapCor : SJ-Sac):

With a cross-platform or split-train connection in San Jose, HSR could serve all three major Bay Area cities and their airports. (Corridors 1 and 3 should each include a stop at Santa Clara for San Jose's SJC airport and other rail connections.)

Ultimately a double track HSR line along the Mulford line should replace the circuitous route Capitol Corridor now uses. The Mulford line has fewer, less busy grade crossings than the Centerville-Decoto line CapCor uses, much less curvature, and is over 4 miles shorter. For decades the Coast Starlight has used the Mulford line. The proposed intermodal facility makes much more sense at Coliseum-Oakland Airport than at Union City, where it would serve only one BART line instead of two and not the Mulford line.

Possibly HSR could bypass Elmhurst and stay west of I-880 between Mulford and Fruitvale. The Oakland stop ought to be at Magnolia (see above), making a BART-HSR trip between San Francisco and Sacramento nearly seamless.

Because HSR would be electrically propelled and tolerate steep grades, it could well go on a high bridge at Martinez or in a tunnel between Port Costa and Benicia, avoiding train delays at the drawbridge.



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